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Statutes regarding Ombudsman for Condominiums and Homeowners' Associations  
November 16, 2018

State:	Statutory Citation:	Statutory Summary:	Funding Provision:
Colorado	Colo. Rev. Stat. §12-61-401 <i>et seq.</i>	(a) The HOA information officer shall act as a clearing house for information concerning the basic rights and duties of unit owners, declarants, and unit owners' associations under the act by: (I) Compiling a database about registered associations, including the name; address; email address, if any; website, if any; and telephone number of each; (II) Coordinating and assisting in the preparation of educational and reference materials, including materials to assist unit owners, executive boards, board members, and association managers in understanding their rights and responsibilities with respect to: (A) Open meetings; (B) Proper use of	The operating expenses of the HOA information and resource center shall be paid from the division of real estate cash fund, created in §12-61-111.5, subject to annual appropriation.

		<p>executive sessions; (C) Removal of executive board members; (D) Unit owners' right to speak at meetings of the executive board; (E) Unit owners' obligation to pay assessments and the association's rights and responsibilities in pursuing collection of past-due amounts; and (F) Other educational or reference materials that the HOA information officer deems necessary or appropriate; (III) Monitoring changes in federal and state laws relating to common interest communities and providing information about the changes on the division of real estate's website; and (IV) Providing information, including a "frequently asked questions" resource, on the division of real estate's website.</p> <p>(b) The HOA information officer may:</p> <p>(I) Employ one or more assistants as may be necessary to carry out his or her duties; and (II) Request certain records from associations as necessary to carry out the HOA information officer's duties as set forth in this section.</p> <p>(c) The HOA information officer shall track inquiries and complaints and report annually to the director of the division of real estate regarding the number and types of inquiries and complaints received.</p>	
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Delaware	Del. Code Ann. tit. 29, §2540 <i>et seq.</i>	<p>(1) To contact declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, and other interested parties to inform them of the services available through the Office. In addition to any other method used to publicize the Office's services, the ombudsperson shall maintain a website containing information about the Office, contact information, the services available through the Office, any information required to be placed on the website by other provisions of this chapter, and any other information deemed appropriate by the ombudsperson.</p> <p>(2) To assist declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, and other interested parties in understanding their rights and responsibilities and the processes available to them according to the law, regulations, and documents governing their respective common interest community. The ombudsperson is not the attorney for declarants, common interest community associations, the executive board of a common interest</p>	There is established within the Department of Justice an Office of the Common Interest Community Ombudsperson.
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		<p>community association, unit owners in common interest communities, or other interested parties; no attorney-client relationship shall be implied or established by the ombudsperson's communication with such persons, and the ombudsperson may not act as or appear to act as an attorney in a legal action brought by such persons.</p> <p>(3) To organize and conduct meetings to educate declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, and other interested parties about their rights and responsibilities and the processes available to them according to the law, regulations, and documents governing their respective common interest community.</p> <p>(4) To prepare and publish educational and reference materials about common interest communities and to make these resources available in print and on the Office's website. The materials about common interest communities shall include general information about the roles, rights, and responsibilities of the various parties, suggestions for the orderly operation of the common interest community association, mechanisms for internal dispute resolution, or any</p>	
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		<p>other information deemed appropriate by the ombudsperson.</p> <p>(5) To develop and publicize procedures intended to result in fair elections for members and officers of a common interest community association.</p> <p>(6) To provide monitors and vote counting services to common interest community associations, intended to result in fair elections for members and officers of a common interest community association, when 15 percent of the total voting interests of a common interest community association, or six unit owners, whichever is greater, petition the ombudsperson to do so.</p> <p>(7) To provide meetings, mediation, or other forms of alternative dispute resolution as may from time to time be requested by declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, or other interested parties. Nothing in this paragraph shall affect the right of a declarant, common interest community association, the executive board of a common interest community association, unit owners in common interest community, or other interested parties from</p>	
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		<p>proceeding pursuant to the procedure established by §348 of Title 10.</p> <p>(8) To establish a template of reasonable written procedures for the executive board of a common interest community association to adopt to internally handle complaints from unit owners and other interested parties. Each common interest community association shall adhere to the established written procedures when resolving complaints from unit owners and other interested parties. The procedures established by the ombudsperson and adhered to by the common interest community association may include the following, in addition to procedures outlined in the common interest community association's declaration, bylaws, or other governing documents: a. That the complaint to the common interest community association must be in writing. b. That a sample complaint form, if any, on which the complaint must be filed shall be provided upon request. c. That the common interest community association's complaint written procedure shall include the process by which the complaint shall be delivered to the common interest community association. d. That the common interest community association shall provide written</p>	
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		<p>acknowledgment of the receipt of the complaint to the complainant within 14 days of receipt. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided or, if consistent with established procedure of the common interest community association, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery. e. That any specific documentation that must be provided with the complaint shall be described in the common interest community association's complaint procedure. In addition, to the extent the complainant has knowledge of the law or regulation applicable to the complaint, the complainant shall provide that reference, as well as the requested action or resolution. f. That the common interest community association shall have a reasonable, efficient, and timely method for identifying and requesting additional information that is necessary for the complainant to provide in order to continue processing the complaint. The common interest community association shall establish a reasonable timeframe for responding to and disposing of the complaint if</p>	
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		<p>the request for information is not received within the required timeframe. g. That, within a reasonable time prior to the consideration of the complaint, the complainant shall be notified of the date, time, and location that the complaint will be considered. For purposes of this paragraph, "reasonable time" shall mean such time as established by the common interest community association's complaint procedure, but shall not be less than seven days prior to the date for consideration of the complaint. Notice of the date, time, and location for consideration of the complaint shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided or, if consistent with established procedure of the common interest community association, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery. h. That after the final determination is made, the written notice of the final determination shall within 14 days be hand-delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided or, if consistent with established</p>	
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		<p>procedure of the common interest community association, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery. i. That the notice of final determination shall be dated as of the date of issuance and include specific citations to the common interest community association's declaration, bylaws, or other governing documents, or to an applicable law or regulation that led to the final determination, as well as the registration number for the common interest community association. If applicable, the name and license number of the common interest community manager shall also be provided.</p> <p>(9) To receive complaints from declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, or other interested parties regarding potential violations of the law, regulations, or documents governing their respective common interest community. Prior to submitting a complaint to the ombudsperson, complainants must complete the process established by the ombudsperson and adopted by the</p>	
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		<p>executive board of a common interest community association pursuant to paragraph (8) of this section and must include a copy of the final determination with the complaint filed to the ombudsperson.</p> <p>(10) To investigate any complaint received and, if meritorious and appropriate, to provide meetings, mediation, or other forms of alternative dispute resolution to those parties involved in order to assist in the resolution of the complaint.</p> <p>(11) To refer meritorious violations of existing Delaware law to the attorney general or other appropriate law-enforcement agency for prosecution.</p> <p>(12) To subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other evidence needed for the exercise of the powers or the performance of the duties vested in the ombudsperson by this section. The power contained in this paragraph may also be exercised by any other employee of the Office who is a member in good standing of the Bar of this state.</p> <p>(13) To establish and publish, in print and on the Office's website, procedural rules for meetings,</p>	
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		<p>mediation, or other forms of alternative dispute resolution organized pursuant to this section.</p> <p>(14) To establish and publish, in print and on the Office's website, procedures and forms for accepting complaints from declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, or other interested parties regarding potential violations of the law, regulations, or documents governing their respective common interest community.</p> <p>(15) To establish: fees for meetings, mediation, or other forms of alternative dispute resolution; election monitoring; vote counting; or other services as provided by the ombudsperson pursuant to this section. The amount to be charged for each fee imposed under this paragraph shall approximate and reasonably reflect all costs necessary to defray the expenses related to providing these services.</p> <p>(16) To make an annual report of the Office's activities to the governor, the attorney general, the General Assembly, and the chief justice of the Supreme Court on or before Dec. 1 of each year. A copy of the report shall be</p>	
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		<p>provided to the director of the Division of Research. Each such report shall contain: a. Statistics on the number of inquiries and complaints handled by the Office; b. Information on education and outreach efforts by the Office; c. Concerns expressed to the Office by declarants, common interest community associations, the executive board of a common interest community association, unit owners in common interest communities, or other interested parties; d. Legal developments impacting common interest communities; e. Recommendations for changes to Delaware law or rules of court procedure designed to improve the regulation and operation of common interest communities made by the ombudsperson and the Common Interest Community Advisory Council; f. Any other information deemed appropriate by the ombudsperson.</p> <p>(17) To organize and hold public meetings as necessary to gain a comprehensive sense of the issues facing common interest communities in this state. When such meetings are held, at least one meeting shall be held in each county at a convenient place within each county. When such meetings are held, the information</p>	
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		obtained from these meetings shall be made part of the report issued pursuant to paragraph (15) of this section.	
Florida	Fla. Stat. §718.5011 <i>et seq.</i>	<p>The ombudsman shall have the powers that are necessary to carry out the duties of his or her office, including the following specific powers:</p> <p>(1) To have access to and use of all files and records of the division.</p> <p>(2) To employ professional and clerical staff as necessary for the efficient operation of the office.</p> <p>(3) To prepare and issue reports and recommendations to the governor, the department, the division, the Advisory Council on Condominiums, the president of the Senate, and the speaker of the House of Representatives on any matter or subject within the jurisdiction of the division. The ombudsman shall make recommendations he or she deems appropriate for legislation relative to division procedures, rules, jurisdiction, personnel, and functions.</p> <p>(4) To act as liaison between the division, unit owners, boards of directors, board members, community association managers, and other affected parties. The ombudsman shall develop policies and procedures to assist unit owners, boards of</p>	The functions of the office shall be funded by the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund.

		<p>directors, board members, community association managers, and other affected parties to understand their rights and responsibilities as set forth in this chapter and the condominium documents governing their respective association. The ombudsman shall coordinate and assist in the preparation and adoption of educational and reference material, and shall endeavor to coordinate with private or volunteer providers of these services, so that the availability of these resources is made known to the largest possible audience.</p> <p>(5) To monitor and review procedures and disputes concerning condominium elections or meetings, including, but not limited to, recommending that the division pursue enforcement action in any manner where there is reasonable cause to believe that election misconduct has occurred and reviewing secret ballots cast at a vote of the association.</p> <p>(6) To make recommendations to the division for changes in rules and procedures for the filing, investigation, and resolution of complaints filed by unit owners, associations, and managers.</p> <p>(7) To provide resources to assist members of boards of directors and</p>	
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		<p>officers of associations to carry out their powers and duties consistent with this chapter, division rules, and the condominium documents governing the association.</p> <p>(8) To encourage and facilitate voluntary meetings with and between unit owners, boards of directors, board members, community association managers, and other affected parties when the meetings may assist in resolving a dispute within a community association before a person submits a dispute for a formal or administrative remedy. It is the intent of the Legislature that the ombudsman act as a neutral resource for both the rights and responsibilities of unit owners, associations, and board members.</p> <p>(9) To assist with the resolution of disputes between unit owners and the association or between unit owners when the dispute is not within the jurisdiction of the division to resolve.</p> <p>(10) Fifteen percent of the total voting interests in a condominium association, or six unit owners, whichever is greater, may petition the ombudsman to appoint an election monitor to attend the annual meeting of the unit owners and conduct the election of directors. The ombudsman shall appoint a division employee, a</p>	
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		<p>person or persons specializing in condominium election monitoring, or an attorney licensed to practice in this state as the election monitor. All costs associated with the election monitoring process shall be paid by the association. The division shall adopt a rule establishing procedures for the appointment of election monitors and the scope and extent of the monitor's role in the election process.</p>	
Illinois	Ill. Rev. Stat. ch. 765, §615/1 <i>et seq.</i>	<p>There is created in the Division of Real Estate within the Department of Financial and Professional Regulation, under the supervision and control of the secretary, the Office of the Condominium and Common Interest Community Ombudsperson.</p> <p>On or before July 1, 2017, the ombudsperson shall offer training, outreach, and educational materials, and may arrange for the offering of courses to unit owners, associations, boards of managers, and boards of directors in subjects relevant to: (i) the operation and management of condominiums and common interest communities; and (ii) the Condominium Property Act and the Common Interest Community Association Act.</p>	



		Beginning on July 1, 2020, and subject to appropriation, unit owners meeting the requirements of this section may make a written request, as outlined in subsection (f) of this Section, to the ombudsperson for assistance in resolving a dispute between a unit owner and an association that involves a violation of the Condominium Property Act or the Common Interest Community Association Act.	
Nevada	Nev. Rev. Stat. §116.001 <i>et seq.</i>	<p>The office was created to assist homeowners and board members in common interest communities to better understand their rights and obligations under the law and their governing documents.</p> <p>In addition to any other duties set forth in this chapter, the ombudsman shall:</p> <p>(a) Assist in processing claims submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;</p> <p>(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials</p>	<p>1. Except as otherwise provided in subsection 2, an association shall: (a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541, 87A.560 or 88.591, pay to the administrator a fee established by regulation of the administrator for every unit in the association used for residential use. (b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the administrator a fee established by regulation of the administrator for each unit in the association.</p> <p>2. If an association is subject to the governing documents of a master association, the master association shall pay the fees required pursuant to this section for each unit in the association that is subject to the governing documents of the master association, unless the governing documents of the master association provide otherwise. The provisions of this subsection do not relieve any association that is subject to the governing documents of a master association from its</p>

		<p>related to those rights and responsibilities;</p> <p>(c) Assist members of executive boards and officers of associations to carry out their duties;</p> <p>(d) When appropriate, investigate disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and</p> <p>(e) Compile and maintain a registration of each association organized within the state which includes, without limitation, the following information: (1) The name, address and telephone number of the association; (2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any other person who is authorized to manage the property at the site of the common-interest community or condominium hotel; (3) The names, mailing addresses and telephone numbers of the members of the executive board of the association; (4) The name of the declarant; (5) The number of units in the common-interest community or condominium hotel; (6) The total annual assessment made by the association; (7) The number of foreclosures which were</p>	<p>ultimate responsibility to pay the fees required pursuant to this section to the administrator if they are not paid by the master association.</p> <p>3. The fees required to be paid pursuant to this section must be: (a) Paid at such times as are established by the Division. (b) Deposited with the state treasurer for credit to the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630. (c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed \$3 per unit.</p> <p>4. The Division shall impose an administrative penalty against an association or master association that violates the provisions of this section by failing to pay the fees owed by the association or master association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or master association or \$500, whichever amount is less. The amount of the unpaid fees owed by the association or master association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.</p>
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		<p>completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and</p> <p>(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed.</p>	
South Carolina	S.C. Code Ann. §27-30-310	<p>(A) The department shall receive and record data from any calls or written complaints from homeowners or homeowners associations.</p> <p>(B) When a call or written complaint is received, the department shall, at a minimum, include the following information to be completed on a form completed by a homeowner or homeowners association or, if received by telephone, on a form completed by a department employee who is identified on the form: (1) homeowner's name; (2) name of the homeowners association and their contact information, including the county and city where it is located; (3) name of the homeowners association management company, if any, and its contact information, including telephone number, owner's name, and street and mailing addresses; (4)</p>	

		<p>whether a homeowner: (a) was informed of the requirement of membership in a homeowners association as a condition of home ownership, including when that information was provided and by whom; (b) received a copy of the governing documents of the homeowners association and if the copy was obtained before or after receiving title to the unit; (c) was denied access to the governing documents and, if so, what remedies the homeowner took to obtain the governing documents; (d) understands his rights and obligations under the governing documents; (5) the nature of the homeowner's or homeowners association's complaint; (6) whether the homeowner attempted to communicate his complaint to the homeowners association or homeowners association management company, if any, and whether the homeowner exhausted all of his remedies in accordance with any terms set out in the homeowners association governing documents or rules and regulations, what action, if any, the homeowners association or homeowners association management company, if any, took concerning the complaint; (7) whether the</p>	
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		<p>homeowner agrees or disagrees with the provisions of the governing documents; (8) whether the homeowner agrees or disagrees with how the provisions were enforced, his recommendations for changing the provisions or means of enforcement, and whether the homeowner feels that more or less enforcement is needed; and (9) any response received from a homeowners association or homeowner, relative to a specific complaint provided by the department and whether or not a response was provided by the applicable homeowners association or homeowner.</p> <p>(C) Upon receiving a homeowner's or homeowners association's complaint, the department shall provide the complaint to the homeowners association or the homeowner complained against in a manner that verifies receipt of such complaint by the homeowners association or homeowner, so the homeowner, board, or homeowners association may determine if the homeowner, board, or homeowners association desires to make a response to the complaint.</p> <p>(D) By Jan. 31 of each year, the department shall make a report of all data collected from the full report</p>	
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		<p>categories collected and complaints received as provided in this section to: (1) the governor and the General Assembly; and (2) the public through the department's website. The public report must include categorized, filterable, and searchable information compiled from the complaints and responses and redact any personal or private information, such as names, addresses, and telephone numbers, contained in the complaints and responses. This redaction requirement does not apply to information concerning a homeowners association and a homeowners association management company. (3) For data to be included in the report, the form must be executed by the homeowner, homeowners association, or department employee.</p> <p>(E) Under the provisions of this article, the department is prohibited from: (1) promulgating regulations or issuing guidelines concerning homeowners association administration, governance, or governing documents; or (2) serving as an arbiter in disputes between the homeowner and homeowners association.</p>	
Virginia	Va. Code §55-528 <i>et seq.</i>	The Office of the Common Interest Community Ombudsman shall:	There is hereby created the Common Interest Community Management Information Fund to be used in the discretion of the Board to promote the

		<p>1. Assist members in understanding their rights and the processes available to them according to the laws and regulations governing common interest communities;</p> <p>2. Answer inquiries from members and other citizens by telephone, mail, electronic mail, and in person;</p> <p>3. Provide to members and other citizens information concerning common interest communities upon request;</p> <p>4. Make available, either separately or through an existing Internet website utilized by the director, information as set forth in subdivision 3 and such additional information as may be deemed appropriate;</p> <p>5. Receive the notices of final adverse decisions;</p> <p>6. In conjunction with complaint and inquiry data maintained by the director, maintain data on inquiries received, the types of assistance requested, notices of final adverse decisions received, any actions taken, and the disposition of each such matter;</p> <p>7. Upon request, assist members in understanding the rights and processes available under the laws and regulations governing common interest communities and provide referrals to public and private</p>	<p>improvement and more efficient operation of common interest communities through research and education. The Fund shall consist of money paid into it pursuant to §§54.1-2349, 55-79.93:1, 55-504.1, and 55-516.1. The Fund shall be established on the books of the comptroller, and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but, at the discretion of the Board, shall remain in the Fund or shall be transferred to the Common Interest Community Management Recovery Fund established pursuant to §55-530.1. Interest earned on the Fund shall be credited to the Fund.</p>
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		<p>agencies offering alternative dispute resolution services, with a goal of reducing and resolving conflicts among associations and their members;</p> <p>8. Ensure that members have access to the services provided through the Office of the Common Interest Community Ombudsman and that the members receive timely responses from the representatives of the Office of the Common Interest Community Ombudsman to the inquiries;</p> <p>9. Upon request to the director by (i) any of the standing committees of the General Assembly having jurisdiction over common interest communities or (ii) the Housing Commission, provide to the director for dissemination to the requesting parties assessments of proposed and existing common interest community laws and other studies of common interest community issues;</p> <p>10. Monitor changes in federal and state laws relating to common interest communities;</p> <p>11. Provide information to the director that will permit the director to report annually on the activities of the Office of the Common Interest Community Ombudsman to the standing committees of the General Assembly having jurisdiction over common</p>	
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		<p>interest communities and to the Housing Commission. The director's report shall be filed by Dec. 1 of each year, and shall include a summary of significant new developments in federal and state laws relating to common interest communities each year; and</p> <p>12. Carry out activities as the Board determines to be appropriate.</p>	
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